



**U.S. Department of Justice  
Tax Division**

*Western Criminal Enforcement Section*  
*P.O. Box 972* *202-514-5762 (v)*  
*Washington, D.C. 20044* *202-514-9623 (f)*

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September 9, 2021

**VIA EMAIL**

The Chambers of The Honorable George C. Hanks  
United States District Court Judge  
For the Southern District of Texas  
ATTN: Jesus Angelis Guajardo

*Re: United States v. Robert T. Brockman, 4:21-cr-009-GCH*

Dear Judge Hanks:

In preparation for the competency hearing, the government subpoenaed Defendant's former company, Universal Computer Systems Holding ("UCSH"), for correspondence sent by Defendant during the time period of his purported cognitive diagnoses. Prior to producing the documents to the government, UCSH provided the documents to Defendant's attorneys to review for privilege. On August 31, 2021, UCSH made a production in response to the subpoena. Although Defendant had removed documents for privilege, no privilege log was provided with the production.

On September 1, 2021, the government asked Defendant's attorneys to provide a privilege log related to the production. Defendant provided a privilege log on September 6, 2021. *See Exhibit 1.* Defendant's September 6, 2021 privilege log withheld under the attorney-client privilege four emails written by Defendant to non-lawyers that did not copy any attorneys. Those claims are present at Log Numbers 15, 24, 32, and 49.

This is not the first time Defendant has made what appears to be an overbroad assertion of attorney-client privilege over Defendant's emails. On May 11, 2020, Defendant withheld as attorney-client privileged forty-one emails sent by Defendant to non-lawyers.<sup>1</sup> *See Exhibit 2.* Among other claims, Defendant claimed privilege over emails sent to his pilot, fellow UCSH executives, his administrative assistant, and his son. Those claims are present at Log Numbers 8, 9, 16, 115, 123, 205, 206, 210, 234, 238, 239, 242, 252, 262, 263, 267, 282, 290, 311, 317, 319, 324, 328, 344, 345, 373, 389, 404, 406, 416, 425, 459, 469, 481, 484, 485, 486, 507, 509, 513, and 520.

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<sup>1</sup> Although this was a grand jury subpoena, this production also covers the relevant period of time where Defendant was running his multi-billion dollar company while apparently exhibiting to doctors that he was cognitively impaired.

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On September 7, 2021, the government asked Defendant's attorneys to provide additional information justifying their privilege claims. *See* Exhibit 3. On September 9, 2021, Defendant's attorneys declined to provide any additional information. *See* Exhibit 4.

Based on the information provided, the government cannot evaluate whether Defendant has properly invoked the privilege. Accordingly, the government respectfully requests that the Court order Defendant to provide the basis for how his emails to non-attorneys are covered by the attorney-client privilege.

Very truly yours,

DAVID A. HUBBERT  
ACTING ASSISTANT  
ATTORNEY GENERAL

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